

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**AMENDED**

UNITED STATES OF AMERICA

vs.

**JUDGMENT IN A CRIMINAL CASE**(For **Revocation** of Probation or Supervised Release)

MARCUS \*ALLEN MARTINEZ

CASE NUMBER: 3:08-cr-00101-HDM-VPC

USM NUMBER: 43137-048

Cynthia Hahn, AFD**THE DEFENDANT:**

DEFENDANT'S ATTORNEY

(XX) admitted guilt to violating conditions as set forth in Paragraphs 1 and 2 of [37] Petition (as factually restated) and Paragraph 1 of [51] Addendum (as factually restated) of the term of supervision.

( ) was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Paragraph 1 of [37] Petition	Shall refrain from possession/use of intoxicants	9/3/2010
Paragraph 2 of [37] Petition	Reside and participate in residential re-entry center program	9/6/2010
Paragraph 1 of [51] Addendum	Shall not commit another federal, state or local crime	9/26/2010

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

( ) The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) of conditions.

(XX) Paragraph 2 of [51] Addendum is dismissed by the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material changes in economic circumstances.

December 7, 2010

Date of Imposition of Judgment



Signature of Judge

HOWARD D. McKIBBEN,  
SENIOR U.S. DISTRICT JUDGE

Name and Title of Judge

December 9, 2010

Date

DEFENDANT: MARCUS \*ALLEN MARTINEZ  
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Judgment - Page 2**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **Nine (9) Months. Defendant shall NOT be allowed credit for time-served in custody.**

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation of Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

BY: \_\_\_\_\_  
Deputy U.S. Marshal

DEFENDANT: MARCUS \*ALLEN MARTINEZ  
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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Twenty-Seven (27) Months.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 104 drug tests annually. Revocation is mandatory for refusal to comply.

- ( ) The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- (XX) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- (XX) The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- (XX) The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) As directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides., works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- ( ) The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: MARCUS \*ALLEN MARTINEZ  
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Judgment - Page 4**SPECIAL CONDITIONS OF SUPERVISION**

1. Possession of Weapon - The defendant shall not possess, have under his control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state or local law.
2. Warrantless Search - The defendant shall submit his person, property, residence, place of business, and vehicle under his control to a search, conducted by the United States probation officer, or any authorized person under the immediate and personal supervision of the probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search will be grounds for revocation.
3. Sex Offender Treatment - The defendant shall successfully complete a treatment program for sex offenders, to include such programs as approved by the U.S. Probation Office.
4. Minor Prohibition - The defendant shall not associate with **female** persons under the age of eighteen (18), except in the presence of a responsible adult who is aware of the nature of his background and current offense, and who has been approved by the probation officer.
5. No Contact Condition - The defendant shall not have any contact whatsoever with the victim in Case No. 3:08-cr-00101-HDM-RAM, or with the victims in Case Nos. 3:08-cr-102-HDM-RAM and 3:08-cr-00124-BES-VPC. Violation of this condition will be grounds for revocation.
6. Reside in Residential Re-Entry Center - **Immediately upon the defendant's release from custody**, the defendant shall directly report to, reside at, and participate in the program of a residential re-entry center for a period of six (6) months as approved and directed by the probation officer.
7. Alcohol Treatment - **Immediately upon the defendant's release from custody**, the defendant shall commence, participate in, and successfully complete an alcohol treatment program, which may include testing, outpatient counseling, detoxification, or residential placement, as approved and directed by the probation officer. The defendant shall comply with the rules of the treatment program. Further, the defendant shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation officer based upon the defendant's ability to pay.
8. Substance Abuse Treatment - **Immediately upon the defendant's release from custody**, the defendant shall commence, participate in, and successfully complete a substance abuse treatment program, which will include drug and alcohol testing, outpatient counseling, as approved and directed by the probation officer. Further, the defendant shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation officer based upon the defendant's ability to pay.
9. Mental Health Treatment - **Immediately upon the defendant's release from custody**, the defendant shall commence, participate in, and successfully complete a mental health treatment program, which may include testing, evaluation, medication management, outpatient counseling, as approved and directed by the probation officer. Further, the defendant shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation officer based upon the defendant's ability to pay.
10. Alcohol Abstinence - The defendant shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants.
11. Community Service - The defendant shall complete Fifty (50) hours of community service as approved and directed by the probation officer.
12. Report to Probation Officer After Release from Custody - The defendant shall report in person to the probation office in the District to which the defendant is released within 72 hours of release from custody.